

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/642,776	Confirmation No.:	3684
Filing Date:	August 18, 2003	Group Art Unit:	1639
Inventor:	Roy et al.	Examiner:	C. M. Gross
Title of Application:	Composition and Methods for Proteomic Investigations		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION AND REQUIREMENT FOR ELECTION

Dear Sir:

Applicant replies herewith to the Restriction Requirement in the above referenced application mailed October 11, 2006.

Applicant elects the invention of **Group II**, claims 10-18, drawn to a complex comprising a specificity-determining substrate and a protein molecule.

As required on page 6 of the Restriction Requirement under the heading Elections for Group II, applicant further elects the species of support in claim 14 as a **silica surface**.

Applicant traverses the restriction between the **nonelected** inventions of Groups I and III. All the limitations of claim 1 (Group I) are recited by incorporation in claim 19 (Group III). The Restriction Requirement cites use of fluorescence measurements in a mode of operation of the array of Group III that is asserted to be absent in the specificity-determining substrate of Group I. Neither claim 1 nor claim 19 recite fluorescence measurements, as both are compositions or articles of manufacture, not methods. Furthermore, the specification in the paragraph bridging pages 22 and 23 describes many methods of detection identified as being useful to characterize a complex, including fluorescence and many others, regardless of whether the complex involves a substrate of claim 1 or one or more substrates of claim 19. Thus the basis for restriction between Groups I and III is not valid. Applicant therefore respectfully requests rejoinder of the inventions of nonelected Groups I and III.

Applicant believes this communication is filed within the one month time limit for responding to the Restriction Requirement including an extension beyond a Saturday or Sunday as provided by 37 CFR § 1.7 (a). Accordingly Applicant believes that no fee for extension of time is due.

Nevertheless, the Commissioner is hereby authorized to charge any fee due, or to credit any overpayment thereof, to Proteus Patent Practice LLC Deposit Account No. 502572, Ref. No. 406-01.

Respectfully Submitted

Date:	<u>November 13, 2006</u>	<u>/Henry E. Auer/</u>	<u>39,096</u>
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